

BAIL PROCEEDING
FORM ISTATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

v.

Paul T Murchaugh
NAME OF DEFENDANT

Offense Charged:

IT IS HEREBY ORDERED

I

That the above named defendant be released from custody on his own recognizance without surety on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court, and not depart the State without permission of the court and be of good behavior.

II

That the above named defendant be released from custody upon a recognizance without surety executed by him.

Appearance Recognizance Without Surety

On the 6th day of May, 2019, personally appeared before the undersigned judge the defendant named above who acknowledged himself indebted to the State of South Carolina, in the sum of fifty thousand dollars, to be levied on his real and personal property for the use of the State, if the defendant shall fail in performing the conditions of the Order. Shall not leave Fourteenth Judicial Circuit without permission of court; will relinquish passport and sign waiver of extradition. Will keep the peace and good order.

That the defendant will notify the court promptly if he changes his address from the one contained in this Order and will comply with the following other conditions of release:

IV

That the defendant shall appear at (check one):

☒ the term of COURT OF GENERAL SESSIONS beginning on _____ at _____ o'clock, _____, at call of the court and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

☐ the session of MAGISTRATE COURT beginning on _____ at _____ o'clock, _____, at _____ If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

ACKNOWLEDGEMENT BY DEFENDANT

I understand that if I violate any condition of this Order, a warrant for my arrest will be issued.

I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence.

It has been explained to me that if I fail to appear before the court as required, a warrant for my arrest will be issued.

Richard A. Harpootian
James M. Giffen

ATTORNEY REPRESENTING ACCUSED (IF KNOWN)

SIGNATURE OF JUDGE

DATE

Paul Murchaugh
SIGNATURE OF DEFENDANT

ADDRESS

CITY/STATE/ZIP

SOCIAL SECURITY NUMBER

TELEPHONE

DRIVER'S LICENSE OR ID NUMBER

ORIGINAL AND ONE COPY OF THIS FORM ARE TO BE COMPLETED IN EVERY BAIL PROCEEDING IN WHICH IT IS USED
Original Copy For The Trial Court - Copy For The Defendant

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

State of South Carolina,

v.

Paul Murdaugh,

Defendant.

IN THE COURT OF GENERAL SESSIONS

Indictment No. 2019-GS-07-0814-16

815
816
**MEMORANDUM IN SUPPORT OF
BOND**

2019 MAY -6 AM 11:47
JERRI ANN ROSELY AU
BEAUFORT COUNTY S.C.
CLERK OF COURT

INTRODUCTION

Defendant Paul Murdaugh, by and through his undersigned counsel, submits this memorandum for the Court's consideration when setting bond pending the disposition of criminal charges.

FACTUAL SUMMARY

~ Paul Murdaugh has been indicted following a tragic boating accident that occurred in the early morning hours of February 24, 2019. Paul and five other people were returning to Paul's family home when the boat collided with a barrier adjacent to the Parris Island bridge in Beaufort County, South Carolina. Paul and at least two other persons were ejected from the boat when it collided with the barrier. One passenger who was ejected, [REDACTED] tragically lost her life. Two occupants of the boat, who are not believed to have been ejected, suffered bodily injury.

Officers with the Department of Natural Resources (DNR) responded to the accident. The DNR officers did not conduct field sobriety tests on anyone, nor did they arrest anyone. According to press reports, the DNR officers were unable to determine who was driving the boat at the time of the collision.

On or about April 18, 2019, approximately two months after the accident, Paul Murdaugh was indicted for two counts of felony boating under the influence (BUI) causing great bodily injury, S.C. Code Ann. § 50-21-113 (A)(1), and one count of BUI causing death, S.C. Code Ann. § 50-21-113 (A)(2).

APPLICABLE LAW

The South Carolina Constitution guarantees the right to bail unless the person is charged with a capital offense, an offense punishable by life imprisonment or a violent offense as defined by the General Assembly. Article I, Section 15 states:

All persons shall be, before conviction, bailable by sufficient sureties, but bail may be denied to persons charged with capital offenses or offenses punishable by life imprisonment, or with violent offenses defined by the General Assembly, giving due weight to the evidence and to the nature and circumstances of the event. Excessive bail shall not be required..

S.C. Const. art. I, § 15.

Furthermore, S.C. Code Ann. § 17-15-10 requires that a defendant be released on a personal recognizant bond unless the court specifically finds that such release (1) will not reasonably assure the appearance of the person as required or (2) unreasonable danger to the community or an individual will result.

In determining conditions of release that will reasonably assure appearance, or if release would constitute an unreasonable danger to the community or an individual, a court may, based on the following information, consider the nature and circumstances of an offense charged and the charged person's:

- (1) family ties;
- (2) employment;
- (3) financial resources;
- (4) character and mental condition;

- (5) length of residence in the community;
- (6) record of convictions; and,
- (7) record of flight to avoid prosecution or failure to appear at other court proceedings.

S.C. Code Ann. § 17-15-30(A)

The Court is also directed to consider the person's criminal record, whether there are any other charges pending against the person, all incident reports and whether the person is an alien or in a state gang database. S.C. Code Ann. § 17-15-30 (B).

I. THE APPLICABLE LAW REQUIRES THAT PAUL MURDAUGH BE RELEASED ON A PERSONAL RECOGNIZANT BOND

Paul Murdaugh is a full-time student at the University of South Carolina. He is 20 years of age and a life-long resident of Hampton County, South Carolina. Paul has very strong family ties to the community, so much so that his family ties have led to an increase in media coverage of this tragic accident. As to financial resources, Paul does not have any to speak of. He is a college student who is being financially supported by his parents, [REDACTED]

There is no risk that Paul will flee. Paul's family ties to this State run deep. Paul does not know a life beyond this State. There is nowhere for him to go. Moreover, Paul does not have the financial ability relocate to a foreign country. Significantly, Paul has known of these charges since April 18, 2019 and is voluntarily appearing in Court to be arraigned. As is customary in direct indictment cases where the defendant is not a flight risk, the Attorney General agreed to allow Paul to appear, rather than arrest him. Clearly, the State cannot in good faith claim Paul is a flight risk after he voluntarily appears in Court.

Moreover, Paul is no danger to the community or to anyone else. Paul does not have a criminal record or a history of dangerous behavior. The instant charges arise from a tragic boating accident. There are no allegations that Paul intended to harm anyone. Instead, Paul's friend

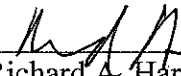
██████████ tragically lost her life and two other friends were injured. Also, according to media reports, all the occupants of the boat were intoxicated.

S.C. Code Ann. § 17-15-10 requires that Paul be released on a personal recognizant bond unless the court specifically finds that such release (1) will not reasonably assure the appearance of the person as required or (2) unreasonable danger to the community or an individual will result. There is simply no basis from this Court can make any such finding; nor is there any good faith basis for the State to urge the Court to make such any such finding.

CONCLUSION

We respectfully request that Paul be released on his own recognizance with the standard conditions of bond.

Respectfully submitted by,


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ATTORNEYS FOR THE DEFENDANT

May 6, 2019
Columbia, South Carolina.

STATE OF SOUTH CAROLINA }

COUNTY OF BEAUFORT }

STATE OF SOUTH CAROLINA, }

vs. }

PAUL T. MURDAUGH, }

Defendant }

IN THE COURT OF GENERAL SESSIONS

FOURTEENTH JUDICIAL CIRCUIT

WAIVER OF EXTRADITION

Indictment No.: 2019-GS-07-00814-16

2019 MAY -6 AM 11:52
JERMI AHN
BEAUFORT COUNTY, S.C.
CLERK OF COURT

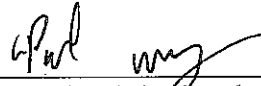
I, Paul Murdaugh, am presently a resident of South Carolina and hereby freely, voluntarily, knowingly, and intelligently, with neither promise nor hope of reward or leniency, agree, consent and elect to return to the State of South Carolina without requisition or extradition paper, warrant or rendition or other legal forms or processes having for their object my return to the State of South Carolina. I likewise waive my right to have charges levied against me in any other state, my arrest on account thereof, inquired into and determined by a court in any other state under a writ of habeas corpus and agree forthwith to voluntarily return to the demanding state in the company of any lawful officer or agent thereof.

In waiving my right to demand extradition, I wholly exonerate and hold harmless in this matter all law enforcement officers or personnel in any other states, including, but not limited to, the State of South Carolina. I further agree to accompany to the State of South Carolina any lawful officer who may be sent to transport me to the said state for disposition of pending criminal charges.

Moreover, I further freely, voluntarily, knowingly, and intelligently, with neither promise nor hope of reward or leniency, agree, consent and elect to sign this waiver at this time with full


knowledge that it will be binding in any state wherein I may be found upon presentation by agents of the State of South Carolina.

This statement and waiver of extradition made and signed this 6 day of May, 2019.


Paul T. Murdaugh

SWORN to and subscribed before me

this 6 day of May, 2019.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: 3-8-23